

USSN: 09/560,170

Attorney Docket No.: 117-P-1345US01

**Remarks**

Claim 20 has been amended to recite that the topcoat is a "polymerizable waterborne" topcoat. Antecedent basis for this recitation can be found in the Written Description at, e.g., page 5, lines 24-27. New claims 39 – 46 have been added. Antecedent basis for the newly-added claims can be found in the Written Description at, e.g., page 5, line 24 through page 6, line 15 and in original claims 20 – 27. The newly-added claims should be examined together with claims 20 – 27. Newly-added claims 39 and 40 depend from claim 20. Newly-added independent claim 41 is similar to independent claim 20, but recites a topcoat "comprising water" rather than a "waterborne" topcoat. Newly-added claims 42 – 46 depend from claim 41.

This amendment is accompanied by a Supplemental Information Disclosure Statement containing replacement copies of GB 2 173 508 A and WO 97/18285. Following entry of this amendment, claims 1 – 46 will be pending, with claims 1 – 19 and 28 – 38 having been withdrawn from consideration. Reconsideration of the rejections is requested in view of the following remarks.

**Rejection under 35 USC §112**

Claim 27 was rejected under 35 USC §112, second paragraph, as being indefinite on grounds that it was "unclear, from claim 27 and the Specification, whether the strip agent composition given in claim 27 is the composition used to determine the stripability or is the composition contained in the strippable laminate finish kit." Applicants respectfully disagree. Claim 20 recites a strippable laminate finish kit comprising one or more containers of a "strippable intermediate coating" and a "strip agent-permeable topcoat", but does not recite a strip agent composition. Claim 21 recites a kit "further comprising a strip agent", thus emphasizing that a strip agent is not required in claim 20. Claim 27 is not unclear. The test strip agent composition recited in claim 27 is used to determine strippability. Applicants accordingly request withdrawal of the rejection of claim 27 under 35 USC §112, second paragraph.

**Rejection under 35 USC §102**

Claims 20 and 22-25 were rejected under 35 USC §102(b) as being anticipated by Published PCT Application No. WO 98/11168 (Hamrock et al.). As mentioned above, applicants

USSN: 09/560,170Attorney Docket No.: 117-P-1345US01

have amended claim 20 to recite a polymerizable waterborne topcoat. Hamrock et al. do not disclose waterborne topcoats, and do not disclose topcoats that comprise water. Applicants accordingly request withdrawal of the rejection of claims 20 and 22-25 under 35 USC §102(b).

#### **Rejection of claim 26 under 35 USC §103**

Claim 26 was rejected under 35 USC §103(a) as being unpatentable over Hamrock et al. in view of U.S. Patent No. 5,571,570 (Lake). As acknowledged in the Office Action, Hamrock et al. do not teach that the topcoat composition is an aliphatic polyester urethane. Neither Hamrock et al. nor Lake disclose waterborne topcoats or topcoats that comprise water. Lake's coatings are not said to be strippable. Applicants have found that polymerizable waterborne topcoats and polymerizable topcoats that comprise water provide especially smooth, easy to apply finishes, and can be stripped when applied atop a strippable intermediate coating such as is employed in the strippable laminate finish kit of claim 26. Applicants accordingly request withdrawal of the rejection of claim 26 under 35 USC §103(a).

#### **Rejection of claim 21 under 35 USC §103**

Claim 21 was rejected under 35 USC §103(a) as being unpatentable over Hamrock et al. in view of Published PCT Application No. WO 94/22965 (Koreltz et al.). As acknowledged in the Office Action, Hamrock et al. do not teach that the floor finishing system further comprises a strip agent. Koreltz et al. describe strip agents for use on a "standard floor sealer/finish comprising urethane/acrylic polymers" (page 3, line 35 through page 4, line 2 and page 12, lines 12-18) but do not describe strip agents for use on polymerizable finishes. Polymerizable finishes are much more difficult to strip than standard finishes based on already-formed polymers. Applicants accordingly request withdrawal of the rejection of claim 21 under 35 USC §103(a).

#### **Conclusion**

Claim 27 is not unclear as written, and thus the rejection under 35 USC §112, second paragraph should be withdrawn. Claims 20 and 22-25 recite a polymerizable waterborne topcoat and are not anticipated by Hamrock et al., and thus the rejection under 35 USC §102(b) should be withdrawn. For similar reasons claim 26 is not suggested by Hamrock et al. in view of Lake, and

USSN: 09/560.170Attorney Docket No.: 117-P-1345US01

claim 21 is not suggested by Hamrock et al. in view of Koreltz et al., and thus the rejections of these claims under 35 USC §103(a) should be withdrawn. New claims 39 – 46 should be allowed along with claims 20 – 27. Passage of the application to the issue branch is respectfully requested. The Examiner should telephone the undersigned attorney if there any questions regarding this application.

Respectfully submitted on behalf of  
MARK D. LEVITT ET AL.



December 19, 2002

David R. Cleveland  
Registration No: 29,524  
612-331-7412 (telephone)  
612-331-7401 (facsimile)  
Customer No. 23322

IPLM Group, P.A.  
P.O. Box 18455  
Minneapolis, MN 55418



United States Patent & Trademark Office

**OFFICIAL**

**FAX RECEIVED**

**DEC 20 2002**

**GROUP 1700**

USSN: 09/560,170Attorney Docket No.: 117-P-1345US01

**Marked Copy of Amendment to the Claims in  
USSN 09/560,170 (Attorney Docket No. 117-P-1345US01)**

20. (Amended) A strippable laminate finish kit, comprising one or more containers of a strippable intermediate coating and a strip agent-permeable polymerizable waterborne topcoat, wherein the topcoat is less strippable than the intermediate coating.